

# COLUSA COUNTY

## PESTICIDE USE ENFORCEMENT

### WORKPLAN

#### FY's 2007/2008/2009/2010

#### A. Restricted Materials Permitting

##### Permit Evaluation

Permits for restricted materials are issued to the operator of the property to be treated or documented representative with a letter of authorization as per Title 3, California Code of Regulations section 6420. Approximately 90% of permits are scheduled on appointment basis and more time is allotted if the operator requires the Private Applicator Certification (PAC) test to be taken. The PAC test takes 1 hour and the permit takes 1 hour unless it is a multi-crop permit with employees handling pesticides. The PAC is valid for 3 years and Biologists will check to assure they are valid before the permit is issued. There is a determination before issuing a RMP, whether an Operator Identification Number (OIN) will suffice for the material the person wishes to purchase and use or if he/she needs an RMP. Restricted Material permits are issued for a period of one year or less with the expiration date of December 31<sup>st</sup> of the calendar year in which they are issued. Renewal of annual Restricted Material permits begins in mid-December for the new year.

Restricted Material permits are only given to persons that have a current private applicator certification card or possess a valid QAC or PCA license from DPR. Besides the owner/operator, the permit can be issued to an authorized agent of the operator if there is a signed authorized representative form on file with all signatures applicable.

Restricted Material Permits and OINs are always entered into the RMPP permit database, printed and signed and given copies to give to their pesticide dealers and pest control businesses. Pesticide handouts that are given to the growers are as follows: NOI log and instructions, County Restricted Material Conditions, County WPS checksheet, PSIS Safety Series A or N, Calif. Restricted Materials list, Written Pesticide Training Program forms, leaflets on field worker requirements and applicator requirements and applicable use report forms that are needed by the operator. Permittees' use report history and if employees handle pesticides are criteria that are considered before issuing the permit.

Also, signed by the permittee after reading is a refresher handout of the current laws and regulations in both field worker and mixer-loader-applicator areas. A Continuing Education training session will be held in early December of every year for grower PACs that need more C.E. hours to renew their card. All production agricultural permits are site specific; detailed maps of these sites are reviewed by the licensed biologists for any hazardous areas (human health or environmental). Permit changes that are minor can be done by phone, but any major changes (i.e., sites, chemicals) will require permittee to sign and receive copies of the amended permit. Pesticide specific conditions are issued for phenoxy's, Clincher, Regiment and Propanil to prevent drift occurrences to crops such

as grapes, prunes, cotton, vine seed crops as well as urban/rural settings. Also, given to the growers are General Drift Minimization measures as recommended permit conditions that will be required to adhere to prevent environmental damages. There were many additional NOIs for Regiment in FY 06/07, since it was designated a permit material by the Agricultural Commissioner. All restricted material applications must have a written pesticide recommendation before an NOI is submitted (PCB jobs) and application is made. We do not require that recommendations be sent to our office but that they have to be in the possession of the Pest Control Business and/or Operator before the NOI is made. Pest Control Advisors and growers indicate on a recommendation that they have considered feasible, reasonable, and effective mitigation measures before [http://www.cdpr.ca.gov/docs/enforce/compend/vol\\_4/inspect\\_procedures.htm](http://www.cdpr.ca.gov/docs/enforce/compend/vol_4/inspect_procedures.htm) using pesticides. Non-ag permit applications are always entered into the RMPP database in our computers and only completed by licensed staff. Permits are evaluated, to determine if a substantial adverse environmental impact may result, at the time of issuance and if/when the notice of intent (NOI) is received. Included in the permit process are additional permit conditions that are given to the grower concerning drift. A permit or NOI is approved or denied by licensed staff and can be conditioned to mitigate any hazards known to exist. All permit and NOI denials will be documented and counted in the PRAMR for that month along with all other activities under report 5. All permit denials will be based upon evaluation of information submitted with the permit application and will address due process. These actions should follow the review and appeal process outlined in the Food and Agriculture Code section 14009. Appropriate mitigation considerations include but are not limited to the knowledge of local conditions, pest management guidelines, restricted material hazard chart, pesticide safety information series, local permit conditions, Food and Agriculture Code, and regulations (including sections 6443 and 6450 through 6489).

The NOI is recorded on the appropriate form and includes required information including, but not limited to: date of intended application, site and permit number, method of application including dilution, volume per acre, dosage, name of pest control business (if applied by a PCB) and the operator of the property that is using the pesticide. The NOIs can be faxed in, phoned in on the NOI answering machine, submitted in person or emailed thru the Internet. These NOIs are transcribed 98% of the time by licensed Ag. Biologists. The weekend NOIs are taken during the busy season by the Ag. Biologist that is scheduled and on duty on that weekend. They will work a minimum of 4 hours on weekends in pesticides. NOIs submitted with less than 24 hours prior notice can be approved by licensed staff if it determines that effective pest control cannot be obtained if the application is delayed or that 24 hours are not necessary to adequately evaluate the intended application. Depending on pesticide materials used (i.e., Propanil aerial application) buffer zones or regulations, sometimes a 48-hour NOI is required so as to give the Colusa County Dept. of Agriculture sufficient time to check all sensitive applications and/or to allocate acres to operators in specific zones of the county. This determination is noted on the permit or NOI.

### **Site Monitoring**

There are 6 licensed staff including the Assistant Ag. Commissioner who will log and review approximately 3,100 NOIs. In 06/07, we did not meet our goal of 6%, but did

complete the minimum 5% of the total NOIs submitted to our office with pre-application site inspections completed. There were many more NOIs than expected due to the designation making Regiment a permit material by the Director because of drift problems of the material. We will set a goal of monitoring 6% for the FYs 07/08, 08/09, and 09/10 of the production agriculture sites identified in permits with NOIs submitted for restricted material applications. Even with possible budget cuts and losing one AB, we are confident we will attain our goal and more for those years. Individual site monitoring will include evaluation of the basis for the intended application including toxicity of the material, environmental concerns, i.e., endangered species, buffer zone areas, ground water protection areas, problem areas identified from previous years, Section 18 registrations, and the written recommendation. All permit holders with a recorded non-compliance will have a follow-up inspection completed within 30 days to assure compliance. Non-compliance documents are kept in permit holder files to address non-compliance history and increased monitoring needs if a recalcitrant behavior is being exhibited and is documented by inspections and audits.

## **RESOURCES**

**County Resources** - In FY 06/07, Colusa County had approximately 2.9 Biologist positions assigned to the Pesticide Enforcement Program workload, resulting in a total of 5,730 licensed man-hours. With our newest AB leaving us in September 2007 and a possible budget shortfall, we could be short of manpower to complete all of our goals. If we can refill the AB position, it would be in May 2008; this person will need to be with a licensed biologist at all times until he/she passes the pesticide use enforcement test and has experience enough to be on their own. Also, if we were to find a Medfly in the county this would definitely tax our staff resources and we might not complete our pesticide goals. The Assistant Ag. Commissioner spends 25% of his time in PUE, 4.0 Ag. Biologist IIIs spend 40% in PUE and the Pesticide Supervisor Ag. Biologist III spends 60% of his time in PUE.

- Workload expectations for each FY 07/08, 08/09, 09/10 include: 60 operator identification numbers, 950 restricted materials permits, 40 non-ag permits, a minimum of 3,000 NOIs, all of which must be documented, reviewed and approved or denied by licensed staff.

## **Strengths**

There are 5 Ag. Biologists that are experienced and knowledgeable of local conditions; this will help in reducing the environmental impacts to applications made in the county. With a small population in the county, there is a low incidence rate between the ag-urban settings. Restricted Material Permits are issued for one year, which will help keep the permittees in line with current regulations and lower the number of non-compliances. The use of GIS for site location maps will continue to be a good tool to replace old hand drawn and aerial maps. With a small staff, we work together in solving problems that arise during the season.

### **Weaknesses**

There is a lack of manpower in the busy season to be in the field inspecting grower and PCB applications and issuing permits, etc. We will address this by adjusting the workload and setting priorities. We will continue to update Restricted Material Permits that have old pesticides on the permit which are not used anymore by the permittees. The Assistant Ag. Commissioner will keep staff on task and on schedule to ensure that our goals are met.

### **Goals and Objectives**

Colusa County is committed to implementing appropriate measures in this area that ensure a site-monitoring plan that takes into consideration pesticide hazards, local conditions, weather patterns, cropping and field work patterns that are unique with our county. Every day, Ag. Biologists are scheduled to log NOIs and assure that all potentially hazardous areas of applications of restricted materials are evaluated and mitigated. We will consider the differing pesticide characteristics widely used (i.e., Phenoxy herbicides, Propanil, Regiment, Clincher, Gramoxone, Roundup, Propanil, Thiobencarb) of the pesticide classes used and its relationship to risks to the environment and human health. Also we will review comprehensively the permittees, locations and pesticides used at permit issuance. Ag. Biologists will be more in-depth when issuing restricted material permits with the permittee to help in decreasing noncompliances in the field.

### **Areas Needing Improvement**

Areas for possible review and improvement are noncompliance history documentation, inspection follow-up and worker safety program audits of private applicators looking for sustainable compliance in all cases. During the permit process, the need to review site maps for surrounding hazards and updating to new GIS maps, updates of phone numbers and addresses, assessing the different pesticide needs for each crop on the permits and taking extra time working with operators with employees to assure compliance with the worker safety regulations are all areas of improvement. We will do this by scheduled staff meetings every Monday at 8a.m. in the busy season to review all areas that need addressing and for the Assistant Ag. Commissioner to listen to the Biologists for their input and adapt the program/schedule if necessary.

### **Deliverables**

1. Colusa County will initiate changes when needed to improve the program throughout the year and AAC will insure that Ag Biologists implement them.
2. Enforce all Laws and Regulations fairly and follow DPR guidelines with input from EBL.
3. Ensure that all Ground Water Protection Areas are tracked for pesticide use and all applicable laws are adhered to.
4. Ag Biologists will evaluate all NOIs and noted hazards to avoid adverse environmental impacts.

5. Approve, deny, or condition restricted material permits as necessary by appointment and as walk-ins.
6. Record and evaluate NOIs for all applicable requirements by licensed staff.
7. Issue permits and review for completeness and accuracy with special emphasis on new GIS mapping for site locations and cleanup permits by deleting old pesticides not used anymore from the permit.
8. Once a year, the Assistant Ag. Commissioner will complete ride along evaluations on all Ag. Biologists to assure that they are following all of the protocol that is required in completing inspections in the field correctly.
9. Address problem areas with training, timelines and follow-up reviews in a timely manner and adapt the PUE work plan to correct these deficiencies on a quarterly basis.

### **Measure of Success**

- Periodically evaluate permitting process for deficiencies and change process in certain areas if there is not a quality element present .
- Achieving Environmental Justice and having a transparent pesticide program
- Reviewing permits, non-compliances, Report #5 data, discuss these with licensed staff and EBL to make sure environmental and human concerns are considered will be a measure of success.
- Reaching our target goal of 180 inspections for the rice monitoring program assuring water quality protection is also a good measure of success.
- In reviewing FY 2006/2007 we exceeded our minimum of 5% NOI pre-application sites inspected and documented.

## **B. Compliance Monitoring**

### **Comprehensive Inspection Plan**

The inspection program evaluation for Colusa County reveals that 100% of our Grower and Pest Control Business Headquarters Safety Inspections are scheduled. They are randomly chosen unless prior history and or usage dictates reinspection. These scheduled inspections comprise 10% of our total inspection workload. The remaining 90% of our inspection activities are more random and focus on applications/inspections during periods of increased pesticide usage, for example during fallow/preplant sprays, fungicide and insecticides and rice growing season herbicides. Inspections are performed by 6 licensed staff during business hours Monday thru Friday and from 8-12 am on weekends. During the busy season (March – July ) 80% of the inspections are completed. Audit inspections are done in winter months except for audits that are following a noncompliance issue, illness investigation or drift problem.

Analysis of our inspection activities during FY 06/07 shows that there was an overall 9% non-compliance rate for Use Monitoring Inspections (24% in 05/06). Property Operator Inspections had non-compliances 23% of the time (13% in 05/06) while Pest Control Businesses had an 7% non-compliance rate (9% in 05/06). Grower Headquarters Safety Inspections had non-compliances 7% of the time (25% in 05/06) and Pest Control Business audits were compliant 100% (100% in 05/06) of the time.

In FYs 2007 to 2010, there will be an emphasis to follow-up on the increase in the grower noncompliances by more in-depth training on worker safety requirements at permit issuance.

### **Strengths**

Permits are issued annually and updated throughout the year when needed by the grower for new crops, sites, and environmental hazards. Enforcement districts are assigned unofficially to biologists allowing them to become familiar with pesticide usage, hazardous areas or problem growers and cropping patterns in those areas so that the Ag. Biologists will be more able to prevent any environmental/ human health situations. Knowledge of experienced Ag. Biologists for increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, greenhouses, residential areas, waterways and sensitive crops. An annual review of files effectively identifying non-compliances during the prior year. Assistant Ag. Commissioner involvement with staff on inspections and the quality and consistency of those inspections will stay at a high level.

### **Weaknesses**

Getting inspections done when most of the pesticide work is done early in the morning hours of every day before Ag. Biologists are out. The need for Ag. Biologists to certify fields during the busy rice season makes it difficult to conduct more pesticide inspections when they are needed.

### **Areas Needing Improvement**

Assuring uniform completion of inspection forms and interpretation of the laws in the field by Ag. Biologists. Staff meetings bi-weekly will help us in uniformity. Increase inspections of grower pesticide applications to check the compliance rate and continue to monitor them. The need for Ag. Biologists to certify fields during the busy rice season makes it difficult to conduct more pesticide inspections when they are needed.

### **Goals or Objectives**

Colusa County's main goal is to reduce risks to humans and the environment by increasing the level of compliance in regards to pesticide laws and regulations. Special focus will be placed on areas of non-compliances identified during property operator headquarters safety inspections. To be in the field at all times of the year when pesticides are being applied to assure that our compliance monitoring program is effective at discovering violations and correcting them to avoid future non-compliances.

### **Deliverables**

1. Maintain monitoring of agriculture/urban pesticide applications to ensure safety to residences, schools and businesses.
2. Conduct and document 180 rice field waterhold inspections to assure that no illegal water releases occur.
3. Schedule staff to accommodate when most rice pesticide applications are made to ensure worker safety requirements, permit conditions and all application requirements are complied with.
4. When multiple violations are discovered during application inspection activities, headquarters inspections will be performed within 30 days to avoid continued non-compliance.
5. The Assistant Ag. Commissioner will perform random "oversight inspections" as the need arises with all licensed Ag. Biologists to insure completeness, accuracy and uniformity with respect to pesticide inspections and filling forms out correctly.

Based on our inspection program evaluation the following inspection goals were determined:

<b>PRE-APP</b>	<b>6%</b>
<b>MIX &amp; LOAD</b>	
<b>PROP. OPERATORS</b>	<b>20</b>
<b>BUSINESSES</b>	<b>28</b>
<b>HDQTRS EMPLOYEE SAFETY</b>	
<b>PROP. OPERATORS</b>	<b>14</b>
<b>BUSINESSES</b>	<b>4</b>
<b>STRUCTURAL</b>	<b>1</b>
<b>APPLICATION</b>	

<b>PROP. OPERATORS</b>	20
<b>BUSINESSES</b>	36
<b>STRUCTURAL</b>	
<b>BRANCH I</b>	0
<b>BRANCH 2</b>	3
<b>COMMODITY</b>	3
<b>FIELD FUM</b>	2
<b>FIELD WKR SAF</b>	7
<b>BUSINESS RECORDS</b>	
<b>PEST CONTROL</b>	6
<b>DEALER</b>	3
<b>ADVISER</b>	10
<b>WATER HOLD</b>	180

The filling of one position that was vacant will require more training time for him to be licensed in pesticide enforcement. Management will re-prioritize programs and/or streamline processes until this person is qualified to be on his own.

Targeted surveillance activities will be carried out during the Rice Pesticide Program as in past years. In 06/07, we conducted 195 waterhold inspections which met our goal of 180 inspections. The goal of 180 waterhold inspections will be the same for FY's 2007-2010, also. There will be a special emphasis to conduct inspections during the rice season to assure that worker safety requirements are met and also environmental concerns with water quality, i.e., Bolero.

Targeted inspections will be used to most efficiently focus manpower on areas of the enforcement program to improve compliance within the county and also to allow Ag. Biologists to use knowledge of areas inspected to protect the environment and human health hazards (schools, residential areas, daycares, businesses).

The Ag. Biologist III overseeing Pesticide Programs will completely review all inspection reports and activities of the enforcement personnel. If changes in our scheduling of Ag. Biologists or pesticide work plan are needed to improve the quality of our plan this will be implemented. All non-compliances will be tracked and followed upon as required and will be reviewed by the Assistant Ag. Commissioner for any compliance or enforcement action.

### **Measure of Success**

A good measure of a comprehensive pesticide inspection plan is the increase of compliance within the county so that the public and its property is protected. A decrease



in non-compliances is an effective indicator of success. Striving to increase the effectiveness of our compliance activities by further refining targeted inspection plans may in the short term, increase the number of non-compliances identified. A decrease in the number of non-compliances found for the 06/07 compared to FY 05/06 will be a good measure of the effectiveness of our implemented program changes. The completion of our goals in all areas of inspection will measure success. With respect to human health and environmentally-sensitive areas, the lack of complaints/incidences is also a gauge for the degree of success.

## **Investigation Response and Reporting**

### **Complaint/Investigation Log**

All complaints or incidents received are documented on a complaint form either by clerical staff, Ag. Biologists or by the Assistant Ag. Commissioner and will receive a response immediately to determine severity and that all information needed is given. An Ag. Biologist III is assigned each case and reports directly to the Assistant Ag. Commissioner.

Colusa County will assure the use of a Complaint/Investigation Log and make certain that it contains the following information: Date, tracking number or file name, name of the pesticide involved in the episode, location and type of episode, FAC and/or 3 CCR violations found and the date the case was closed.

### **Investigation Tracking System**

The Assistant Ag. Commissioner and Pesticide Supervisor will oversee the Investigation Tracking System. The timely initiation and completion of all investigations, priority or non-priority will be assured and all DPR Policies and Guidelines will be utilized.

FY 06/07 had 2 illness investigations. Both of them were completed on time. All Priority Episodes Investigations will be conducted with the Assistant Ag. Commissioner taking the lead. There were no priority investigations in 06/07.

Priority investigations need to be initiated within 2 days of receiving notification. Priority investigations need to have a preliminary update to DPR within 15 days of receipt by CAC.

### **DPR/CACASA/EPA Cooperative Agreement**

- Extensions can be obtained based on the following criteria:
  1. Injured person is unavailable
  2. Sample lab analysis may take longer
  3. Delay in obtaining medical information
- Pending enforcement action should not delay submission of investigative report
- Investigation report and supporting documents goes to EBL regional office
- Non-priority Human Effects Episodes

- Investigation report goes to WH&S

#### Complaints:

In 06/07, there were 6 complaints logged. These included 6 environmental effects complaints. Several are still pending to determine if there is to be enforcement action taken.

There were 8 complaints received by the CCDA in 05/06. Of these, there were 3 that were human exposure and 5 that involved environmental drifts. These resulted in 6 Ag. Civil Penalties issued. If it was a DIR referral, investigation report goes to DIR.

Investigation reports are sent to PUE regional office. Record requests are submitted on request form for allowable information to be given out.

#### **Strengths**

With a small staff, the Assistant Ag. Commissioner is aware of and oversees all investigations to advise and cooperate with the Ag. Biologists to assure a complete and thorough investigation

With the Ag. Biologist IIIs being experienced, there is increased awareness of local conditions and have a keener investigative quality about the biologists resulting in more thorough investigations.

There is a positive working relationship with the District Attorney for Colusa County when the need arises for feedback or for referral of a case to him for action.

#### **Weaknesses**

Keeping the Ag. Biologists on task to complete the investigation timely during the busy months of pesticide use in the county sometimes results in slower investigations than needed. Assistant will keep a schedule with dates of when investigations were received in the office to assure timely completion.

The lack of a bilingual person in the office slows down investigations when they are needed to conduct the investigation. We will arrange with the Migrant Office in the county every year to arrange for their bilingual abilities.

#### **Goals and Objectives**

To assure all of the priority and non-priority investigations are completed according to DPR Policy and Guidelines and that they are on time, accurate, identify violations and contain recommendations and justifications for any enforcement actions if taken or not.

#### **Deliverables**

1. Timely episode investigation initiation and completion within time limits set by CDPR. There are 5 Ag. Biologist IIIs and the Assistant Ag. Commissioner that perform investigations and have training from DPR and are experienced, both in

- the field and office. A rotation of Ag. Biologists within the dept. conducting investigations is used.
2. Assistant Ag. Commissioner is responsible to review all investigations for completeness and accuracy and approves them for submittal to DPR.

**Measure of Success**

The lack of deficiencies in our yearly evaluation of our investigations by our EBL is the best measure of a successful investigation program. Using our new accountability check system to assure the timely (within 120 days for non-priorities and 60 days for priorities) completion and submission of all investigations and complaints will be a new tool to assure success.

## C. **Enforcement Response**

### **Enforcement Response Evaluation**

- Prevention and prompt investigation of pesticide use or misuse incidents.
- Prompt response to all incidents when there is a possibility laws and regulations have been violated.
- There are 5 Ag. Biologist III's and the Assistant Ag. Commissioner that investigate incidents and put together both compliance and enforcement actions .
- All non-compliances, investigations and enforcement actions are reviewed by the Assistant Ag. Commissioner for accuracy, completeness and timeliness. The issuance of any compliance or enforcement action are completed and mailed out to the party by certified mail to assure receipt, signature and future compliance accountability.
- A Pesticide Enforcement Compliance Action Summary is prepared for every Ag. Civil penalty that is taken.
- All actions are e-mailed to the Enforcement Branch Liaison upon completion.
- Most noncompliances are worker safety in nature and the lack of PPE, decontamination station and training of the employees.
- Periodically, the biologists and the Assistant Ag. Commissioner have a staff meeting to discuss recent non-compliances issued and to communicate any problems and solutions to others for training purposes.
- Appropriate application of enforcement responses in relation to penalties for violations with an increasing level of enforcement action for recurrent violations or recalcitrant violators. The fine guidelines and hearing procedural guidelines will be followed and our DPR EBL will review most of the enforcement actions taken.
- If the action or fine deviates from the guidelines a Decision Report for justification is written up and sent with the ACP .
- All actions are reviewed and signed by the Ag. Commissioner.

### **Strengths**

- Since our county is small, it is easier to keep track of the enforcement actions and its effect on the party to whom they are issued. Follow-up of the actions and re-inspections are easily done and kept track of to assure compliance.
- Our office is small, so that on a daily basis, the Pesticide Enforcement Supervisor and the Assistant Ag. Commissioner are in contact with all licensed personnel to stay informed, give advice and updates on any pertinent issues that need attention.
- Most of our biologists have many years of experience in the field and are very knowledgeable of the county's various crops and pesticide uses.

### **Weaknesses**

When the busy rice season hits, we do not have sufficient staff to cover all of the county's enforcement needs. The office is so busy and short on certified staff, it is difficult to keep on a tight schedule to take actions on non-compliances, especially minor ones, as soon as we should.

### **Areas Needing Improvement**

- The need to follow-up on violations in a timely manner to assure growers are aware of the seriousness of the violation.
- The need to organize all of the inspections completed by the biologists and for the Assistant Ag. Commissioner to maintain a log of all noncompliances and violations for future enforcement or compliance actions if needed.

### **Goals and Objectives**

- The goal of Colusa County's enforcement response plan is to improve and protect the public health and property, pesticide worker safety and the environment of the County of Colusa and to do these tasks in a timely and effective manner. All actions taken will be in agreement with the Enforcement Response Regulations.

### **Deliverables**

1. The use of all enforcement tools to correct violations that have occurred
2. Scheduling of staff meetings each week to review actions that are being taken.
3. Use of the Citable Sections as a resource for guidance
4. Prompt and appropriate responses to potential violations and processing of those cases.
5. Application of applicable Enforcement Guidelines set forth by DPR
6. Assuring the use of Environmental Justice parameters when applying corrective action and keeping a transparent program.

### **Measure of Success**

The success of the county's enforcement response program is best done by looking at the level of compliance for the various businesses that are regulated. Tracking and following up of non-compliant operators and businesses and seeing corrective action with sustainable compliance in those areas will show successes. Lower numbers of noncompliances and actions needed will indicate a successful program. The protection of human health and the welfare of the environment is seen by the lower number of illness cases and drift incidences in FY 07/08 compared to FY 06/07.